

R E M A R K S

Claims 1, 17-18, 35, and 40-41 were rejected under 35 USC 112, first paragraph. The Examiner asserts that the specification fails to describe a first port and, or a second port. Applicant respectfully traverses.

In the electronic arts the term “port” designates a connection point, when a “port” of an apparatus is referred to, it is the connection point by which another device may be coupled to the apparatus.

FIG. 1 shows an apparatus 20, which clearly has two ports by which it may be coupled to other devices/apparatus/networks. In fact, FIG. 1 explicitly marks the two ports of apparatus 20 with designations 26 and 27. The Examiner’s attention is also respectfully directed to the last line of page 5 of the specification as filed.

Claims 4, 5, 8, 12, 15, 24, 28, 32, 33, 36-39, and 42 were objected to. The Examiner indicated that if expressed in independent the subject matter that that is defined in these claims, is expressed in the form of independent claims, such claims would be allowable. Since claims 4, 5, 8, and 12 depend on claim 1 and claim 1 was rejected under 35 USC 112, first paragraph, applicant takes the objection as conditioned on applicant overcoming the 112 rejection, which the above clearly overcomes. Likewise for the other objected-to claims, where traversal of the base claims on which the objected to claims depend overcome the objection.

Following up on the Examiner’s implied suggestion to amend the objected to claims so as to place them in independent form, claim 1 is amended to correspond to claim 4 expressed in independent form. Therefore, it is respectfully submitted that amended claim 1 is allowable and, consequently, all claims that depend on amended claim 1 are allowable. That encompasses claims 5, 8, and 12 that were objected to, and claims 2, 3, 6, 7, 9, 10, 11, 13, 31 and 32 that were rejected under 35 USC 102.

Claim 14 was rejected under 35 USC 112, first paragraph, because, according to the Examiner, the “analog port” and the “output port” are not described in the specification. Applicant respectfully traverses. FIG. 1 clearly shows that port 26, which is a port of apparatus 20, is connected to a PSTN central office. It forms the “analog port” of claim 14. It follows that the second port of apparatus 20, i.e., port 27 constitutes the “output port” of claim 14.

Claim 15 was objected to because claim 14 was rejected. In view of the above traverse of the claim 14 rejection, it is respectfully submitted that claim 15 is allowable.

Claim 17 was rejected under 35 USC 102 as being anticipated by Stork et al, US Patent 5,710,816. Applicant respectfully traverses.

The following presents the elements of claim 18 in separate table rows, with the element in the left cell and the Examiner's associated correspondence in the right cell.

A coupler comprising:	Element 304
a first port;	Mic 310
a second port;	Wire 301
a controller communicating digitally with said first port, said controller receiving a digitized voice signal from said first port and encrypting said digitized voice signal to form an encrypted voice signal; and	Module 307
an interface circuit interposed between said controller and said second port, for receiving said encrypted voice signal, conditioning the encrypted voice signal, and applying the conditioned encrypted voice signal to said second port.	Wire 301

First, it is respectfully submitted that a junction point between two elements within a circuit (e.g., the wire from element 307 and microphone 310) is not referred to in the art as a "port." Also, a device within a module is not referred to in the art as a "port." Therefore, the Examiner's reference to microphone 310 as the "first port" makes sense only in that the microphone is the means by which signals (aural signals) are applied to module 304. The Examiner's assertion is accepted in that sense only. That is, the "first port" is the air-microphone interface.

Second, the Examiner's correspondence relative to the controller fails, because the controller is specified to be communicating with the first port "digitally," "receiving a digitized voice signal from said first port." There is no teaching or suggestion in Stork et al that the air-microphone interface, or even the output of the microphone is digitized voice. Therefore, claim 17 is not anticipated by Stork et al.

Third, the Examiner's correspondence relative to the "interface circuit fails" for two reasons. (1) The Examiner's reference to the dictionary notwithstanding, no artisan in the telephony arts refers to a wire connection as a "circuit;" and certainly not artisans in the encryption, or telephone answering machine arts. Even artisans who work at exceptionally high frequencies, where the impedance of a wire becomes a factor, do not consider the

conductors between elements as “circuits.” They may consider the parasitic effects of such conductors, and they may try to account for them, but they do not consider them to be circuits. (2) Even if wire 301 is accepted as a “circuit,” it is not a circuit for “conditioning the encrypted voice signal” as the claim specifies. For one, it does not **condition** the signal, since conditioning a signal designates something that is intentionally done to the signal to achieve a desired result. In contradistinction, the resistance of wire 301 is neither intended nor desired. For another, even if the Examiner were to argue that the wire conditions the signal, it still remains that Stork et al do not teach or suggest that this wire is a circuit that is **intended to condition** any signal. This failure in correspondence of the fourth element of claim 17 again makes claim 17 not anticipated by Stork et al.

* See last page

Claim 18 was rejected under 35 USC 102 as being anticipated by Stork et al, US Patent 5,710,816. Applicant respectfully traverses.

The claim is amended herein to correct a formatting problem, an antecedence problem, and an ambiguity problem. It is respectfully submitted that amended claim 18 is not anticipated by Stork et al. Addressing the Examiner’s assertion in a table format again, the following appears to be the case:

A telephone answering system comprising:	Elements 304 and 305
a first port,	Mic 310
an interface circuit connected to said first port and conditioned for communication with a telephone instrument connected to said first port;	Wire between logic 307 and mic 310
a controller for interacting with said interface circuit, said controller having a memory and program modules stored in said memory, including a telephone answering program module; and	Fig 1 flow diagram, fig, 1, fig 3, elements 320 and 309.
an interface circuit coupled to said controller, for interfacing with a second port of said telephone answering system; where said controller interacts with said first port, under control of said telephone answering program module, via said interface circuit that is connected to said first port, to store messages within said memory, and said controller interacts with said second port to (a) receive a request to send messages stored in said memory, (b) confirm that said request is <i>bona fide</i> , (c) retrieve a message from said memory, (d) encrypt said message with said encryption program module to form an encrypted message, and (e) send said encrypted message to said second port.	Wire 301?

First, applicant's remarks above about the "first port" and the fact that a mere conductor is not an "interface circuit" are incorporated herein. It is noted, additionally, that though FIG. 3 shows a path between microphone 310 and encryption logic 307, and the depicted path is about 1 inch long on paper, there is no teaching in the reference as to the length of the corresponding conductor in the constructed apparatus. That conductor might, for example, be only a quarter of an inch long, or less.

There must be a point at which the Examiner's assertion that the resistance of a conductor creates "a circuit" is beyond credulity, and there is no indication that the Stork et al reference has not reached that point.

Second, as for the controller which has memory, the Examiner points to the flow chart of FIG. 1. A flow chart describes a process. It is not apparatus. A controller, on the other hand, is apparatus. Therefore, the flowchart *per se* cannot correspond to the controller.

However, the flowchart refers to actions by a user, and to encryptions, which are performed by logic element 307 of FIG. 3. To place the Examiner's assertion in a light most favorable to the Examiner, it is assumed that the controller the Examiner refers to is something that, at least, includes logic element 307.

The Examiner does refer to FIG. 3, but in connection with FIG. 3 the Examiner refers to elements 320 and 309. Element 320 is a memory that stores keys used for decryption and includes logic that is responsive to decryption information requests. It does not perform encryption. Element 320 is decryption hardware. It also does not perform encryption. Nevertheless, to place the Examiner's assertions in a light most favorable to the Examiner, it is assumed the Examiner's assertion is that "the controller" defined in claim 18 corresponds to the collection of elements 307, 309, and 320.

Still, it is not clear where the memory is that stores "program modules," including "a telephone answering program module." Strictly speaking, Stork et al do not discuss such memories. However, the Examiner has asserted that device 305 is the telephone answering device (for example, at page 9, line 6, of the current Office Action), and one might argue that the telephone answering program module must necessarily reside in a memory within the telephone answering device. It would not be a valid argument since other means can be used to achieve the desired result (and, therefore, even for this reason

alone the claim is believed patentable) but, nevertheless, for argument's sake, it is assumed element 305 does include a memory and that memory stores the "telephone answering program module."

Third, as for the interface circuit that is coupled to the controller, the Examiner uses the phrase "307 to 301." This is not clear. 301 is a conductor, or path, that emanates from logic element 307. There is no expanse that allows the phrase "307 to 301." Again, however, to place the Examiner's assertion in a best light it is assumed is that a portion of conductor 301 is considered by the Examiner to be the "interface circuit," and a following point on conductor 301 is considered by the Examiner to be the "port." Of course, as indicated above, applicant respectfully disagrees with the notion of a conductor being an interface circuit.

To summaries the above, in applicant's view there are numerous issues where the Examiner's assertions are believed to be in error, even before addressing the final "where" clause of claim 18, which specifies:

- said controller interacts with said first port, under control of said telephone answering program module
- via said interface circuit that is connected to said first port
- to store messages within said memory, and
- said controller interacts with said second port to
 - (a) receive a request to send messages stored in said memory,
 - (b) confirm that said request is *bona fide*,
 - (c) retrieve a message from said memory,
 - (d) encrypt said message with said encryption program module to form an encrypted message, and
 - (e) send said encrypted message to said second port.

Respectfully, the following can be said of the Examiner's assertions regarding the "where" clause:

1. The Examiner's controller does not interact with microphone 310 under control of telephone answering device 305. The FIG. 1 flowchart clearly shows that the user may, or may, not choose to record a message, so if there is any "responsiveness" by microphone 310 it is to a user.

2. According to the FIG. 1 flowchart, the user decides whether to record a message in encrypted form, and if so, the message is encrypted (step 104) and then stored (step 105). In claim 18, in contradistinction, the encryption does not take place until after a message is retrieved.

For each and all of the above reasons, it is respectfully submitted that claim 18 is not anticipated by Stork et al. Claims 19 – 28 depend on claim 18.

Claim 29 was rejected under 35 USC 102 as being anticipated by Stork et al, US Patent 5,710,816. Applicant respectfully traverses. The Examiner asserts that “the telephone answering device 305” of Stork et al has a network 301, a user device 304, and a first coupler 307.

First, it is respectfully submitted that the Examiner must choose as to whether the line 301 drawn in FIG. 3 by Stork et al is offered to teach, or suggest, (a) a line, a path, (b) a conductor, (c) a port, or (d) a network. IT CANNOT BE ALL OF THESE. Although the Examiner is free to interpret what Stork et al describe by the drawing line 301 (albeit this freedom is limited by what, in fact, is described), the Examiner cannot interpret it one way in connection with one claim, and another way in connection with another claim.

Second, claim 29 specifies that the user device has signals that it sends out, and those sent out signals are encrypted by the coupler device. That would correspond to device 304 having signals that it sends out, and a logic element encrypts those signals. That is not the case in Stork et al because (a) the signals of microphone 310 are not sent out, and (b) there are no sent out signals that are encrypted. Viewed another way, the language of claim 29 necessarily requires coupler 29 to be **outside** the user device. No other arrangement makes logical sense. Since that is not the case in the correspondence asserted by the Examiner, it follows that claim 29 is not anticipated by Stork et al.

Third, the Examiner asserts that element 320 corresponds to the “second coupler” of claim 29, which defines that the second coupler applies the recovered signals to the telephone answering device. Respectfully, this correspondence fails because element 320, which is within the telephone answering device, cannot apply any signals **to** the answering device. One can apply a signal **TO** something only from **outside** that something; and element 320 is not outside the telephone answering device. In fact, the signal that is applied to the telephone answering device is the encrypted signal, and not the decrypted

signal. The decrypted signals is generated within the Stork et al telephone answering device. Hence, it is respectfully submitted that claim 29 is not anticipated by Stork et al.

Fourth, claim 29 specifies that the first coupler employs a public key of the second coupler. According to the Examiner's assertion, that would mean that encryption logic 307 employs a public key of element 320. There is discussion in Stork et al of keys that are unique to a sender, and keys that are unique to the message, but there is no discussion of public keys at all. Therefore, claim 29 is not anticipated by Stork et al.

Claims 31 and 34 depend on claim 29.

Regarding claim 35, the Examiner asserts that the step of receiving a message corresponds to receiving something on "first port 310." The Examiner is consistent is asserting the microphone 310 is a port, and that, in the context of claim 35, it forms the first port specified in the claim. The second step of claim 35 specifies "ascertaining whether said message corresponds to a *bona fide* access request." That means that the signal from microphone 310 (a) constitutes an access request, and (b) a determination is made as to whether that signal constitutes a *bona fide* access request. With respect to this, the Examiner points to step 103 in the flowchart of FIG. 1, which is labeled "sender selects certification mode and alerts receiver's machine." First, this is step is not taken by means of, or in response to, a signal message via port 310. Second, the selection is not a signal message at all. Third, the alerting is a message, but it is not by means of a signal message via port 310. Fourth, the alerting message is not a message that is – in any way – an access request. Fifth, there is no step at all of determining whether the alerting message (whether or not it is an access request) is *bona fide*. In short, applicant respectfully submits that the step of ascertaining is not described by Stork et al, and this is particularly so when viewed as presented by the Examiner. Accordingly, it is respectfully submitted that claim 35 is not anticipated by Stork et al.

The following clause of claim 35 specifies

when said step of ascertaining determines that said message corresponds to a *bona fide* access request, forwarding an alert to a second port that is conditioned to place a telephone answering system connected to said second port in a message retrieval mode

The Examiner points to col. 3, lines 13-17, which state:

In one embodiment, the message is stored in a memory with an indication that it is encrypted. The step of storing encrypted voice signal may include storing a return phone number of the sender or a third party used to obtain information to enable decryption at a later time.

This simply teaches that the message (from microphone 310) is stored. It neither teaches nor suggests an alert being forwarded to a second port (301).

As for the next clause, which specifies “communicating prompt messages received from said second port to said first port,” it is pretty clear that no prompt messages are communicated by line 301 to microphone 310. The Examiner points to col. 2, lines 23-28, but the cited passage does not teach messages sent to microphone 310.

The next clause specifies “communicating response messages received from said first port.” Since there is no prompt message sent to microphone 310, there cannot be a response message from microphone 310.

The next clause specifies “encrypting stored messages received at said second port in response to said response messages to form encrypted messages.” According to the Examiner’s correspondences, that would mean encrypting stored messages received at line 301 to form encrypted messages. In fact, the messages that are received at line 301 are already encrypted. Those messages are decrypted, and the result is messages in “plain text” and NOT “encrypted messages.” The Examiner points to col. 2, lines 60-65, but this passage does not teach that messages received at line 301 are encrypted. What it teaches is that voice messages are encrypted, without specifying where. From other text of the reference is it clear, however, that the encryption occurs in logic element 307, prior to any signals being applied to line 301.

The last clause of claim 35 specifies the step of “communicating said encrypted messages to said first port.” Respectfully, no encrypted messages are communicated to microphone 310. The Examiner points to col. 3, lines 31-38, but the cited text does not teach that which the Examiner asserts it teaches.

In short, just about each and every limitation of claim 35 is different from what is taught by Stork et al and, therefore, it is respectfully submitted that claim 35 is not anticipated by Stork et al.

Claims 36-39 depend on claim 35.

Independent claims 40, 41, and 43 are believed allowable for the reasons expressed above, particularly in connection with claim 35.

In view of the above amendments and remarks, applicant respectfully submits that all of the Examiner's rejections and objections have been overcome. Reconsideration and allowance are respectfully solicited.

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Respectfully,
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* Examiner Hoosain,

I believe that, for the reasons expressed above, claim 17 is allowable as is. I hope you are convinced and, if not, I hope to be able to convince of this when we speak on Friday, July 16 at 3pm.

If I am unsuccessful in convincing you, I will, probably, offer to amend claim 17 as described below.

I am telling you this because I know that you will not ask me to amend the claim simply because a narrower claim would issue, if you are convinced that I am entitled to the unamended claim.

If you feel it necessary, I hope that you will take a moment to consider the amended form so that, if necessary, we could discuss it.

Amended claim 17 clause (with added matter underscored):

an interface circuit interposed between said controller and said second port, for receiving said encrypted voice signal, conditioning the encrypted voice signal in a manner other than conditioning effected with merely a conductor, and applying the conditioned encrypted voice signal to said second port.